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14 IN THE UNITED STATES DISTRICT COURT
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16 EASTERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,

18 CASE NO. 1:21-CR-00185-ADA-BAM

19 Plaintiff,

20 STIPULATION REGARDING EXCLUDABLE
21 TIME PERIODS UNDER SPEEDY TRIAL ACT;
22 FINDINGS AND ORDER

23 v.

24 GERARDO DIEGO PEREZ,
25 LUIS PEREZ,

26 DATE: May 24, 2023

27 TIME: 1:00 p.m.

28 COURT: Hon. Barbara A. McAuliffe

Defendants.

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STIPULATION

20 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
21 through defendants' counsel of record, hereby stipulate as follows:

22 1. By previous order, this matter was set for status on May 24, 2023.

23 2. By this stipulation, defendants now move to continue the status conference until
24 September 13, 2023, and to exclude time between May 24, 2023, and September 13, 2023, under 18
U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

25 3. The parties agree and stipulate, and request that the Court find the following:

26 a) The government has represented that the discovery associated with this case
27 includes reports, photographs, and audio files and is voluminous. This discovery has been either
28 produced directly to counsel and/or made available for inspection and copying, and the
production of or availability of more discovery is anticipated.

b) Counsel for defendants desire additional time to further review discovery, discuss potential resolution with defendants and the government, and investigate and prepare for trial.

c) The parties will be prepared to set a trial date by the next status conference if the case cannot be resolved.

d) Counsel for defendants believe that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of May 24, 2023 to September 13, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

h) The parties also agree that this continuance is necessary for several reasons, including but not limited to, the need to permit time for the parties to exchange supplemental discovery, engage in plea negotiations, and for the defense to continue its investigation and preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

5 Dated: May 18, 2023

6 PHILLIP A. TALBERT
United States Attorney

7 _____
8 /s/ STEPHANIE M. STOKMAN
9 STEPHANIE M. STOKMAN
Assistant United States Attorney

10 Dated: May 18, 2023

11 _____
12 /s/ RICHARD BESHWATE
13 RICHARD BESHWATE
14 Counsel for Defendant
15 LUIS PEREZ

16 Dated: May 18, 2023

17 _____
18 /s/ KEVIN ROONEY
19 KEVIN ROONEY
20 Counsel for Defendant
21 GERARDO DIEGO PEREZ

22 **ORDER**

23 IT IS SO ORDERED that the status conference is continued from May 24, 2023, to **September
24 13, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to
25 18 U.S.C. § 3161(h)(7)(A), B(iv).

26 IT IS SO ORDERED.

27 Dated: May 18, 2023

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/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE